

+

+

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Serial No. / Patent No.	09/533,906 / 5,750,338
				Reissue Filing Date	March 8, 2000
				Applicant	Collins et al.
				Group Art Unit	1655
				Examiner Name	D. Johannsen
Sheet	1	of	2	Attorney Docket Number	474642800500

[illegible][illegible]

Examiner Signature	Diana Behringer	Date Considered	3/26/02
--------------------	-----------------	-----------------	---------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**

References cited by Protestor

+

REISSUE LITIGATION

Please type a plus sign (+) inside this box → ☐

PTO/SB/088 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Serial No. / Patent No.	09/533,906 / 5,750,338	
			Reissue Filing Date	March 8, 2000	
			Applicant	Collins et al.	
			Group Art Unit	1655	
			Examiner Name	D. Johannsen	
Sheet	2	of	2	Attorney Docket Number	474642800500

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
DBJ		FEIX et al., "Replication of Viral RNA XVI. Enzymatic Synthesis of Infectious Viral RNA with Noninfectious Q beta Minus Strands as Template", Proc. Natl. Acad. Sci. USA, Jan. 1968, Pg. 145-152, Vol. 59, No. 1, National Academy Press	
		HUNSAKER et al., "Nucleic Acid Hybridization Assays Employing dA-Tailed Capture Probes", Anal. Biochem., Sept. 1989, Pg. 360-370, Vol. 181, No. 2, Academic Press Incorporated	
		MORRISEY et al., "Nucleic acid hybridization assays employing dA-tailed capture probes. Single capture methods", Mol. Cell Probes, June 1989, Pg. 189-207, Vol. 3, No. 2, Academic Press Limited .	
		POLLET et al., "Replication of Viral RNA, XV. Purification and Properties of Q beta Minus Strands", Proc. Natl. Acad. Sci. USA, Aug. 1967, Pg. 766-773, Vol. 58, No. 2, National Academy Press	
DBJ		THOMPSON et al., "Enzymatic Amplification of RNA Purified from Crude Cell Lysate by Reversible Target Capture", Clin. Chem., Sept. 1989, Pg. 1878-1881, Vol. 35, No. 9, American Association of Clinical Chemistry	

Examiner Signature	Diana B. Johannsen	Date Considered	3/26/02
--------------------	--------------------	-----------------	---------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

References cited by Protestor

INFORMATION DISCLOSURE CITATION

Atty. Docket No.	1147.0142	Reissue Serial No.	09/533,906
Applicant		Mark L. Collins et al.	
Reissue Application Filed	March 8, 2000	Group:	1655

RECEIVED

FEB 16 00/2900

02 FEB 21 PM 12:41

U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
DBJ	4,581,333	Apr. 8, 1986	Kourilsky et al.	435	6	
DBJ	4,683,202 (submitted Jan. 16, 2001)	Jul. 28, 1987	Mullis	435	6	
DBJ	4,755,458	Jul. 5, 1988	Rabbani et al.	435	5	
DBJ	4,894,325	Jan. 16, 1990	Englehardt et al.	435	6	
DBJ	4,925,785	May 15, 1990	Wang et al.	435	6	
DBJ	4,957,858 (submitted March 26, 2001)	Sep. 18, 1990	Chu et al.	435	6	
DBJ	5,112,734	May 12, 1992	Kramer et al.	435	6	
DBJ	5,124,246	Jun. 23, 1992	Urdea et al.	435	6	
DBJ	5,252,723	Oct. 12, 1993	Bhatt	536	25.3	
DBJ	5,273,882	Dec. 28, 1993	Snitman et al.	435	6	
DBJ	5,283,174	Feb. 1, 1994	Arnold, Jr. et al	435	6	
DBJ	5,437,990	Aug. 1, 1995	Burg et al.	435	91.2	
DBJ	5,547,842	Aug. 20, 1996	Hogan et al.	435	6	
DBJ	5,639,604	Jun. 17, 1997	Arnold, Jr. et al.	435	6	
DBJ	5,656,207	Aug. 12, 1997	Woodhead et al.	252	700	
DBJ	5,658,737	Aug. 19, 1997	Nelson et al.	435	6	
DBJ	5,731,153	Mar. 24, 1998	Lucas et al.	435	6	
DBJ	5,989,817	Nov. 23, 1999	Soderlund et al.	435	6	
DBJ	6,060,246	May 9, 2000	Summerton et al.	435	6	
DBJ	6,280,952	Aug. 28, 2001	Weisburg et al.	435	6	

FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
EP 0 149 565 B1	Jul. 24, 1985	EPO			
EP 0 328 829 B1	Aug. 23, 1989	EPO			

Diana Bf

3/26/02

INFORMATION DISCLOSURE CITATION

Atty. Docket No.	1147.0142	Reissue Serial No.	09/533,906
Applicant	Mark L. Collins et al.		
Reissue Application Filed	March 8, 2000	Group:	1655

FOREIGN PATENT DOCUMENTS

	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
DPB	EP 0 370 694 A2	Jun. 30, 1990	EPO			
DPB	EP 0 435 150 A2	Jul. 3, 1991	EPO			
DPB	EP 0 526 912 A2	Feb. 10, 1993	EPO			
DPB	WO 88/10315	Dec. 29, 1988	PCT			
DPB	WO 89/10979	Nov. 16, 1989	PCT			
DPB	WO 90/10716	Sep. 20, 1990	PCT			
DPB	WO 91/08307	Jun. 13, 1991	PCT			
DPB	WO 94/19023	Sep. 1, 1994	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

DPB	Chu, et al., "Synthesis of An Amplifiable Reporter RNA for Bioassays," Nucleic Acids Research, Vol. 14, No. 14, pp. 5591-5603 (1986).
dup DPB	Feinberg, et al., "A Technique for Radiolabeling DNA Restriction Endonuclease Fragments to High Specific Activity," Anal. Biochem., Vol. 132, pp. 6-13 (1983). (submitted Aug. 2, 2000)
dup DPB	Feix, G. et al., "Replication of Viral RNA, XVI. Enzymatic Synthesis of Infectious Viral RNA with Noninfectious Q _β Minus Strands as Template," Proc. Nat'l Acad. Sci., Vol. 59, pp. 145-152 (1968).
DPB	Higuchi, R. "Chapter 4: Simple and Rapid Preparation of Samples for PCR," from <u>PCR Technology: Principles and Applications for DNA Amplification</u> , H. Erlich ed., Stockton Press, New York, NY, pp. 31-38 (1989).
	Inducement Agreement by and between Advanced Magnetics, Inc. and Gen-Probe, Inc., dated Feb. 11, 1986. (subject to a protective order) DPB
DPB	Jovin, T. et al., " Polynucleotide Celluloses as Solid State Primers and Templates for Polymerases," J. Biol. Chem., Vol. 243, No. 2, 250-259 (1968).
DPB	Lizardi Invention Report and Record, dated February 8, 1985.
DPB	Lizardi manuscript submitted for publication on December 18, 1987.
	Magnetocluster Probe Technology Agreement by and between Advanced Magnetics, Inc. and Gen-Probe, Inc., dated Feb. 11, 1986. (subject to a protective order)
DPB	Manning, et al., "A Method for Gene Enrichment Based on the Avidin Biotin Interaction Application to the Drosophila Ribosomal RNA Genes," Biochemistry, Vol. 16, No. 7, pp. 1364-1370 (1977).

Diana Bf 3/26/02

INFORMATION DISCLOSURE CITATION

Atty. Docket No.	1147.0142	Reissue Serial No.	09/533,906
Applicant		Mark L. Collins et al.	
Reissue Application Filed	March 8, 2000	Group:	1655

RECEIVED
FEB 21 1999
02 FEB 21 PM 12:41

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

DDJ	McGrogan, M. et al., "Purification of Specific Adenovirus 2 RNAs by Preparative Hybridization and Selective Thermal Elution," Nucleic Acids Research, Vol. 6, No. 2, pp. 593-607 (1979).
nmj	Moore, D. et al., "Amplification of rRNA for Assessment of Treatment Response of Pulmonary Tuberculosis Patients during Antimicrobial Therapy," J. Clinical Microbiol., Vol. 34, No. 7, pp. 1745-1749 (1996).
DDJ	Mullis, et al., "Specific Enzymatic Amplification of DNA <i>In Vitro</i> : The Polymerase Chain Reaction," Cold Spring Harbor Symposium on Qualitative Biology, Vol. LI, pp. 263-273 (1986).
DDJ	Nelson, N. et al., "Detection of All Single-base Mismatches in Solution by Chemiluminescence," Nucleic Acids Research, Vol. 24, No. 24, pp. 4998-5003 (1996).
dup DDJ	Pollet, R. et al., "Replication of Viral RNA, XV. Purification and Properties of Q _β Minus Strands," Proc. Nat'l Acad. Sci., Vol. 58, pp. 766-773 (1967).
DDJ	SISKA Diagnostics' Nucleic Acid Probes, SISKA Diagnostics, Inc., San Diego, CA. date not provided
DDJ	Saiki, et al., "Primer-directed Enzymatic Amplification of DNA with a Thermostable DNA Polymerase," Science, Vol. 239, pp. 487-491 (1988).
DDJ	Wong, et al., "Characterization of Beta-Thalassaemia Mutations Using Direct Genomic Sequencing of Amplified Single Copy DNA," Nature, Vol. 330, pp. 384-386 (1987).

Examiner	<i>Diana B. J.</i>	Date Considered	3/26/02
*Examiner:	Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		
Form PTO 1449		Patent and Trademark Office - U.S. Department of Commerce	